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Dated: October 28, 2010
Electronic Signature for Bruno Polito: /Bruno Polito/

SONYJP 3.3-731
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Inokuchi et al.

Application No.: 09/869,816

Confirmation No.: 1346

Filed: July 3, 2001

Art Unit: 2439

For: DATA DECODING APPARATUS AND
METHOD, CHARGE INFORMATION
PROCESSING APPARATUS AND METHOD,
DATA REPRODUCING APPARATUS AND
METHOD, ELECTRONIC MONEY,
ELECTRONIC USE RIGHT, AND
TERMINAL APPARATUS

Examiner: R. Baum

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181 (a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attorneys for the above-identified applicant received a Notice of Abandonment mailed September 30, 2010 for failure to timely file a reply to the Office letter mailed on August 29, 2009.

In a telephone conversation on October 12, 2010 between Examiner Baum and Phyllis Kelly, applicants' attorneys' Docket Manager, Examiner Baum confirmed that this notice was sent in error. However, he stated that since this case was "off his docket" he could not rescind the notice and that the only course of action was for applicants to file a Petition to Withdraw the Holding of Abandonment.

BACKGROUND FACTS

As an initial matter, it is noted that no Office letter was mailed on August 29, 2009.

A final rejection was mailed on September 1, 2009. A response to the final rejection was timely filed on November 10, 2009. An Advisory Action was mailed on December 4, 2009. A Notice of Appeal, Extension Petition, and Pre-Appeal Brief Request for Review were timely filed on February 1, 2010. On April 16, 2010, the PTO mailed a "Notice of Panel Decision from Pre-Appeal Brief Review" stating that the application remains under appeal and that applicants are required to submit an appeal brief. The Notice further stated that the period for filing the appeal brief would be reset to be one month from the mailing of the decision, i.e., reset to May 16, 2010, and that said time period was extendible. Since the time for filing an appeal brief can be extended five months, the date is extended to October 16, 2010. Therefore, the application was still pending on September 30, 2010, when the PTO issued the Notice of Abandonment.

As stated above, Examiner Baum confirmed that the mailing of the Notice was in error. Additionally, applicants timely filed the appeal brief and extension petition on October 15, 2010

It is therefore respectfully requested that the present petition be granted; that the application be restored to pending status; and the abandonment be withdrawn. If there are any fees due in connection with this Petition, the Commissioner is authorized to charge Deposit Account No. 12-1094 therefore.

Dated: October 28, 2010

Respectfully submitted,

Electronic signature: /Bruno
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